



**CALIFORNIA STATE PERSONNEL BOARD**

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ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location –

**The Westin Los Angeles Airport Hotel  
5400 West Century Boulevard  
Logan Room  
Los Angeles, CA 90045**

Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location –

**The Westin Los Angeles Airport Hotel  
5400 West Century Boulevard  
Logan Room  
Los Angeles, CA 90045**  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – MAY 2, 2006**

**SUMMARY MINUTES<sup>1</sup>**

**MAY 2, 2006**

**All Agenda Items for the Cancelled April 18, 2006,  
Board Meeting are included in these Minutes.**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**Sean Harrigan, Vice President  
Anne Sheehan, Member  
Patricia Clarey, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** The SPB staff held two meetings during which it met with 17 department directors to discuss the SPB's EEO program in light of legislative changes in AB 124. Board President Elkins chaired the March 21, 2006, meeting and the Executive Officer chaired the April 18, 2006, meeting. The directors were reminded of their duties under the State's EEO laws and given a compliance "score card" prepared by Matilda Aidam to inform them of how their department was doing.
- B.** DPA released its "Total Compensation Survey" on April 21, 2006. Generally, it showed that state salaries fell behind those of other "bench mark" California public entities in virtually all categories.
- C.** The SPB's budget is moving through the legislative process. Most of the proposed \$19 million budget - including funds for the replacement of the SPB's computer system for examinations and certifications - appears to be fine and is not being questioned. However, the joint DPA/SPB million dollars for classification reform (included in DPA's budget) will be decided in conference committee and it is doubtful that funds for the proposed joint DPA/SPB website will be included this year.
- D.** The SPB's whistleblower retaliation report will be presented to the Board at the June 6, 2006, Board meeting.

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<sup>1</sup> The Minutes for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

May 2, 2006

**3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

Draft of Public Records Act policy has been completed. It should be finalized this week.

Elise Rose and Barbara Brecher attended a conference of the Labor and Employment section of the State Bar. Supreme Court cases in which SPB prevailed were discussed as part of the first plenary session.

**4. NEW BUSINESS**

**NONE PRESENTED**

**5. REPORT ON LEGISLATION – Sherry Evans**

**NONE PRESENTED**

**6. ORAL ARGUMENT**

Oral argument in the matter of **ALEJANDRO GILL, CASE NO. 05-0054RA**. Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation.

Persons Participating:

Carl Ecklund, Staff Counsel, Department of Corrections and Rehabilitation,  
representing respondent

Everett Bobbitt, Attorney, representing appellant

**ACTION: SUBMITTED**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]  
(See Action Taken on Pages 12–18)

**9. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

**10. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

- **AB 546 – Garcia**

This bill would make it unlawful for any person to knowingly use a state-owned or state-leased computer to access, view, download, or otherwise obtain obscene matter, as defined in the Penal Code, except for specifically authorized purposes.

**ACTION: NO POSITION**

- **AB 2241 – Assembly Public Employees and Social Security Committee**

This legislation would allow the Executive Officer of SPB/ the five-member State Personnel Board the ability to designate IT classes as appropriate for skills based certification. Departments would be required to conduct a thorough job analysis of a position in order to justify differential weighting of the test components to create a unique certification list for each position within a class. As with all servicewide classes, a job analysis would ensure the job relatedness and validity of the examination components, consistency of standards across state government, and merit and fairness to all candidates. Candidates would still need to be within reachable ranks on the list to be considered for vacancies.

**ACTION: SPONSOR AND SUPPORT**

- **AB 2328 – Haynes**

This bill would require each state agency, board, commission, department, or office to prepare and provide a report to the Senate Committee on Rules, the Assembly Committee on Rules, and to each member of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the financial activities of the agency, board, commission, department, or office for the 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 fiscal years no later than January 15, 2007, and for each subsequent fiscal year by January 15 of the following year.

**ACTION: NEUTRAL**

May 2, 2006

**11. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**12. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
MAY 23, 2006, IN SACRAMENTO, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**13. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
MARCH 21, 2006, AND APRIL 4, 2006.**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Clarey – Aye

**14. EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 12–20**

**15. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Minutes on Pages 30–31)**

**16. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 21–27**

**17. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On May 2, 2006, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Clarey – Aye

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**PROPOSED REVISIONS TO THE DEPUTY ATTORNEY GENERAL SERIES SPECIFICATION**

The Department of Justice proposes the following: the establishment of a new classification titled Supervising Deputy Attorney General, with a twelve-month probationary period in the series specification of Deputy Attorney General; revisions of the minimum qualifications for the Deputy Attorney General deep class and Deputy Attorney General IV; and other minor revisions to the Deputy Attorney General series specification.

**PROPOSED AMENDMENTS TO ALTERNATE RANGES 11 AND 47**

The California Department of Corrections and Rehabilitation's Division of Juvenile Justice (CDCR DJJ) proposes to amend Alternate Ranges 11 and 47 to include a new salary range necessary to compensate affected teachers and vocational instructors at CDCR DJJ high schools. Also, CDCR proposes to add Footnote 21, which designates a class as an exception to State Personnel Board Rule 431, to the teacher classes used in the Juvenile Justice High Schools within CDCR.

**FRAUD INVESTIGATOR, BUREAU OF STATE AUDITS**

The Bureau of State Audits (BSA) proposes the following revisions to the Fraud Investigator, BSA Series Specification: establishment of the Fraud Investigator III, BSA classification within the series, with a 12 month probationary period; revisions to the class specification and title change of the Fraud Investigator, BSA to Fraud Investigator I, BSA; and revisions to the class specification and title change of the Supervising Fraud Investigator, BSA to Fraud Investigator II, BSA.

**AUDITOR, BUREAU OF STATE AUDITS**

The Bureau of State Audits (BSA) proposes establishing the following classes within the Auditor, BSA Series Specification, each with a twelve month probationary period: Senior Auditor Evaluator I, BSA; Senior Auditor Evaluator II, BSA; and Senior Auditor Evaluator III, BSA. Additionally, the BSA proposes the following changes to the class series: Footnote 24 be applied to the class of Senior Auditor Evaluator, BSA to prevent future appointments to the class, and to abolish the class when it becomes vacant; and revisions to the class specification for the class of Principal Auditor, BSA.

**AUDITOR SPECIALIST, BUREAU OF STATE AUDITS  
(INFORMATION SYSTEMS)**

The Bureau of State Audits (BSA) proposes the following existing classes be designated Footnote 24: the Auditor Specialist I, Bureau of State Audits (Electronic Data Processing) and the Auditor Specialist II, Bureau of State Audits (Electronic Data Processing) to prevent future appointments to the series and to abolish the series when it become vacant; and that a new classification series of Auditor Specialist, Bureau of State Audits (Information Systems) be established, with a 12 month probationary period. The proposed new class series will consist of the following classes: Auditor Specialist I, Bureau of State Audits (Information Systems), Auditor Specialist II, Bureau of State Audits (Information Systems), and Auditor Specialist III, Bureau of State Audits (Information Systems).

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes.

<b>Title</b>	<b>Class Code</b>
Manager of Program Services Veterans Home and Medical Center	8285
Manager of Support Services Veterans Home and Medical Center	4750
Veterans Educational Representative	9970
Telephone Operator Switchboard for the Blind	1636
Field Agent Wildlife Conservation Board	950
Market Data Compiler	221
Marketing Specialist	542
Assistant Chief Division of Local Government Fiscal Affairs, State Controllers Office	4202
Assistant Chief, Division of Unclaimed Property, State Controllers Office	4209
Chief, Division of Unclaimed Property, State Controllers Office	4208
Supervising Auditor I, State Controllers Office	4295
Supervising Auditor II, State Controllers Office	4294

<b>Title</b>	<b>Class Code</b>
Supervisor Local Government Budgets and Reports	4205
Supervisor Tax-Deeded Land, State Controllers Office	4673
Nursing Education Director Veterans Home	8142
Certified Technician	2684
Certification Officer I	2685
Certification Officer II	2625
Certification Officer III	2678
Supervising Certification Officer	2623
Senior Certification Officer	2624
Research Program Specialist I (Market Research)	3501
*Boating Facilities Manager I	1040
*Boating Facilities Manager III	1070

\* Indicates classes which are part of a class series. Only the classifications listed above were abolished.

**18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**CDF TRANSFER OF SAN DIEGO RURAL FIRE PROTECTION EMPLOYEES**

The California Department of Forestry and Fire Protection requests that the San Diego Rural Fire Protection employees be transferred into State Civil Service.

**CHIEF, CALIFORNIA HIGHWAY PATROL**

The California Highway Patrol proposes the title of Deputy Chief, California Highway Patrol, be revised to Chief, California Highway Patrol.

**BOATING FACILITIES MANAGER II**

**SENIOR BOATING ADMINISTRATOR**

The Department of Boating and Waterways proposes that the classifications of Boating Facilities Manager II and Senior Administrator be designated Footnote 24, to prevent future appointments to the class and to abolish the class when it becomes vacant.

**ACTION: NOTED**

**19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes served to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**



**CHIEF COUNSEL**

The Franchise Tax Board proposes to allocate the above position to the CEA category. The Chief Counsel, Franchise Tax Board is responsible for formulating, recommending, and implementing departmental legal policies with respect to the California Personal Income Tax Law, Band and Corporate Tax Law, Taxpayer Bill of Rights, Homeowner's and Renter's Assistance Law, Political Reform Audit Law, Automated Child Support Collection Legislation.

**ASSISTANT CHIEF DEPUTY DIRECTOR**

The Department of Alcoholic Beverage Control proposes to allocate the above position to the CEA category. The Assistant Chief Deputy Director is responsible for day-to-day operations of the department in accomplishing its mission to administer the provisions of the Alcoholic Beverage Control Act.

**CHIEF, OPERATIONS**

The Department of Motor Vehicles proposes to allocate the above position to the CEA category. The Chief, Operations will provide direction, oversight, and policy direction to the department's major, statewide, mission critical core programs within five departmental divisions.

**PROJECT DIRECTOR, BUSINESS INFORMATION SYSTEM**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Project Director, Business Information System will be the principal policymaker with regards to the Enterprise Resource Planning (ERP) Solution implementation, and will provide on-going support and maintenance.

**DEPUTY DIRECTOR, FINANCE & ADMINISTRATION**

The High Speed Rail Authority proposes to allocate the above position to the CEA category. The Deputy Director, Finance & Administration Division advises and assists the California High Speed Rail Authority (HSRA) and Executive Director in formulating policies regarding fiscal and administrative issues, project planning and monitoring, and budgetary decisions to achieve the mission of HSRA.

**DIRECTOR, OFFICE OF SYSTEMS INTEGRATION, AGENCY INFORMATION OFFICER**

The California Health and Human Services Agency proposes to allocate the above position to the CEA category. The Director, Office of Systems Integration, Agency Information Officer is responsible for overseeing the information technology projects' functions with the Health and Human Services Agency, and has oversight responsibility for coordinating the activities of information technology offices throughout the agency, its constituent departments and electronic interface partners.

**SPECIAL ASSISTANT, FINANCIAL SURVEILLANCE BRANCH**

The Department of Insurance proposes to allocate the above position to the CEA category. The Special Assistant, Financial Surveillance Branch makes presentations, recommendations, and participates in policy deliberations at the highest levels; providing advice on policy topics that should be adapted and adopted within the Department of Insurance and Financial Surveillance Branch on a variety of financial, regulatory, legislative, and insurance industry solvency issues.

**DIRECTOR, CRIME & VIOLENCE PREVENTION CENTER**

The Department of Justice proposes to allocate the above position to the CEA category. The Director, Crime & Violence Prevention Center is responsible for the development, implementation, and leadership of crime and violence prevention policies and programs for the Department of Justice.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, ADMINISTRATION, OFFICE OF HOMELAND SECURITY**

The Office of Homeland Security's proposal to allocate the above position to the CEA category has been disapproved effective March 13, 2006.

**CHIEF, OFFICE OF ENFORCEMENT**

The State Water Resources Control Board's request to allocate the above position to the CEA category has been approved effective March 28, 2006.

**DEPUTY DIRECTOR, POLICY AND PLANNING DIVISION**

The Department of Technology Services request to allocate the above position to the CEA category has been approved effective March 28, 2006.

**CHIEF, PREVENTION AND EARLY INTERVENTION**

The Department of Mental Health's request to allocate the above position to the CEA category has been approved effective March 28, 2006.

**CHIEF, COUNTY SUPPORT BRANCH**

The Department of Mental Health's request to allocate the above position to the CEA category has been approved effective March 28, 2006.

**CHIEF COUNSEL**

The Franchise Tax Board's proposal to allocate the above position has been approved effective April 6, 2006.

**ACTION: NOTED**

**20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**21. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**23. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 28–29**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 14 – 16 AS NOTED.**

**14. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

**(1) RICK OCHOA, CASE NO. 04-2373BA**

Appeal for determination of back salary, benefits and interest

**Classification:** Youth Correctional Officer

**Department:** Department of the Youth Authority

Proposed decision rejected January 24, 2006.

Oral argument heard April 4, 2006, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(2) ERNEST PITTMAN, CASE NO. 05-1591A**

Appeal from dismissal

**Classification:** Motor Vehicle Field Representative

**Department:** Department of Motor Vehicles

Proposed decision rejected December 6, 2005.

Oral argument heard March 8, 2006, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(3) RICHARD QUADRELLI, CASE NO. 05-1039A**

Appeal from dismissal

**Classification:** Caltrans Maintenance Supervisor

**Department:** Department of Transportation

Proposed decision rejected December 6, 2005.

Oral argument heard March 8, 2006, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

On May 2, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) **ALEJANDRO GILL, CASE NO. 05-0054RA**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: SUBMITTED**

**WRITTEN RECORD**

- (2) **JUDY JOHNSON, CASE NO. 05-1367A**  
Appeal from automatic resignation  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles  
**ACTION: SUBMITTED**
- (3) **EDUARDO PEREZ, CASE NO. 05-0763A**  
Appeal from five percent reduction in salary for six months  
**Classification:** Parole Agent I (Adult Parole)  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: SUBMITTED**

**C. CHIEF COUNSEL RESOLUTIONS**

On May 2, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

May 2, 2006

- (1) **WILLIAM WILEY, CASE NO. 04-1469**  
Appeal from Medical Termination/ Demotion/ Transfer  
**Classification:** Heavy Equipment Mechanic  
**Department:** Department of Transportation  
**ACTION:** The Board issued a Resolution remanding the case back to the ALJ for a determination as to whether or not appellant waived his right to back pay and benefits for any period of time.
- (2) **DENNIS KROMANN, CASE NO. 02-1252**  
Appeal from rejection during probation  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board issued a Resolution directing Department of Corrections and Rehabilitation to amend the Notice of Rejection during Probation previously served on appellant in accordance with the provisions of the stipulation for settlement. The Board, however, denied appellant's request to rescind the Letter of Instruction that had been issued to him.
- (3) **EVONNE LEE, CASE NO. 05-1725E**  
Appeal from reasonable accommodation  
**Classification:** Compliance Representative  
**Department:** Franchise Tax Board  
**ACTION:** The Board issued a Resolution finding that, while appellant agreed to waive her right to a hearing concerning her disciplinary action in SPB Case No. 05-2582, the language contained in the stipulation for settlement did not serve as a waiver of her right to a hearing concerning her appeal from denial of reasonable accommodation. As a result, the Franchise Tax Board's request to dismiss Case No. 05-1725E is denied.
- (4) **DEBORAH POLK, CASE NO. 05-0038**  
Appeal from dismissal  
**Classification:** Administrative Support Assistant II  
**Department:** California State University of Long Beach  
**ACTION:** The Board issued a Resolution finding that California State University's failure to pay appellant in accordance with the terms of a stipulation for settlement is based on appellant's failure to provide requisite tax documentation to CSU. As a result, appellant's request for an order to show cause against CSU is denied.

### **COURT REMANDS**

These cases were remanded to the Board by the court for further Board action.

May 2, 2006

- (5) **JACK BRON, CASE NO. 02-3688R**  
Appeal from Non-punitive Termination/ Demotion/ Transfer  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority  
**ACTION:** The Board issued a Resolution directing that all issues raised by appellant concerning the payment of back pay and benefits are to be consolidated with the hearing currently pending before an ALJ.
- (6) **CAROLYN HYMON-PERRY, CASE NO. 00-0140P**  
Appeal from dismissal  
**Classification:** Sergeant  
**Department:** Department of the Youth Authority  
**ACTION:** The Board issued a non-precedential decision, modifying the penalty imposed on appellant to a demotion to the position of Youth Correctional Officer and a suspension for 90 days.

**STIPULATIONS**

NONE

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ's proposed decisions submitted to the Board for the first time.

On May 2, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) **PAUL CHATHAM, CASE NO. 05-1287**  
**SARAH WIRTH, CASE NO. 05-1599**  
Appeal from five percent reduction in salary for six months and two work days suspension  
**Classification:** Correctional Lieutenant and Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board rejected the ALJ's Proposed Decision granting the motion to dismiss.
- (2) **KATHRYN HASSETT, CASE NO. 03-3379**  
**RICHARD READEL, CASE NO. 03-3623**  
Appeal from one-week suspension and demotion  
**Classification:** Deputy Director and Social Services Program Administrator  
**Department:** Merced County Human Services  
**ACTION:** WITHDRAWN

- (3) **STEVEN HOLLADAY, CASE NO. 04-2468**  
Appeal from dismissal  
**Classification:** Correctional officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision revoking the dismissal.
- (4) **BONNIE MASSEY, CASE NO. 02-1940E & 02-2838E**  
Appeal from whistleblower retaliation complaint & reasonable accommodation  
**Classification:** Associate Governmental Program Analyst  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the whistleblower retaliation complaint and the reasonable accommodation complaint.
- (5) **BART MCLAUGHLIN, CASE NO. 05-2680**  
Appeal from demotion  
**Classification:** Psychiatric Technician  
**Department:** Department of Developmental Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the demotion.
- (6) **VLADISLAV MIKULICH, CASE NO. 06-0625**  
Appeal from formal reprimand  
**Classification:** Workers Compensation Claims Adjuster  
**Department:** State Compensation Insurance Fund  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the appeal.
- (7) **RANDY PEREGRINO, CASE NO. 05-3092**  
Appeal from dismissal  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (8) **JAGVINDER SINGH, CASE NO. 04-1492E & 04-1541E**  
Appeal from discrimination/retaliation  
**Classification:** Physician and Surgeon, Correctional Facility  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision denying the appeal.



May 2, 2006

- (9) **DANA BYRNES, CASE NO. 05-1353**  
Appeal from one-step reduction in salary for six months  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (10) **JEAN MARIE CLENDENEN, CASE NO. 05-3660**  
Appeal from dismissal  
**Classification:** Workers' Compensation Insurance Supervisor I  
**Department:** State Compensation Insurance Fund  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (11) **GAIL GARCIA, CASE NO. 05-3030**  
Appeal from constructive demotion  
**Classification:** Office Technician (Typing)  
**Department:** Department of Developmental Services  
**ACTION:** The Board rejected the ALJ's Proposed Decision denying the appeal.
- (12) **JOSEPH G. RUBALCAVA, CASE NO. 05-2523**  
Appeal from 10 work days suspension  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the suspension.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**  
**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**  
**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**  
**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On May 2, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) **ROBERT BROWNLEE, CASE NO. 05-0154P**  
**STEVEN POTTER, CASE NO. 05-0197P**  
Appeals from dismissal  
**Classification:** Officer  
**Department:** Department of California Highway Patrol  
**ACTION:** Petition for rehearing denied.
- (2) **SHANE MEE, CASE NO.04-2474PA**  
Appeal from dismissal  
**Classification:** Caltrans Equipment Operator II  
**Department:** Department of Transportation  
**ACTION:** The Board issued a Resolution modifying Board's prior decision to clarify that the Board possesses continuing jurisdiction over the case to resolve back pay and benefits issues and informing parties of their right to request a hearing before an ALJ regarding those issues.
- (3) **SHANE MEE, CASE NO. 04-2474P**  
Appeal from dismissal  
**Classification:** Caltrans Equipment Operator II  
**Department:** Department of Transportation  
**ACTION:** Petition for rehearing denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On May 2, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) **TROY ALLEN, CASE NO. 05-2150A**  
Appeal from dismissal  
**Classification:** Caltrans Equipment Operator II  
**Department:** Department of Transportation  
  
Proposed decision rejected February 7, 2006.  
Pending oral argument originally set May 2, 2006, Los Angeles.  
Pending oral argument June 6-7, 2006, Sacramento  
**NO ACTION**

May 2, 2006

- (2) **DANNY BROWN, CASE NO. 05-2209A**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected April 4, 2006.  
Pending transcript.  
**NO ACTION**
- (3) **PRECILLA CALAUNAN, CASE NO. 05-1737RPA**  
Appeal from dismissal  
**Classification:** Psychiatric Technician Assistant  
**Department:** Department of Developmental Services  
  
Petition for Rehearing granted March 8, 2006.  
Transcript prepared.  
**NO ACTION**
- (4) **ALEJANDRO GILL, CASE NO. 05-0054RA**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected January 6, 2006.  
Oral argument heard May 2, 2006, Los Angeles.  
**ACTION: SUBMITTED**
- (5) **RAYMOND GURULE, CASE NO. 05-1351A**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority  
  
Proposed decision rejected April 4, 2006.  
Pending transcript.  
**NO ACTION**
- (6) **JUDY JOHNSON, CASE NO. 05-1367A**  
Appeal from automatic resignation  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles  
  
Proposed decision rejected February 21, 2006.  
Oral argument (Written Record) May 2, 2006, Los Angeles.  
**ACTION: SUBMITTED**

- (7) **LEE KENDRICK, CASE NO. 04-1620PA**  
Appeal from dismissal  
**Classification:** Transportation Surveyor  
**Department:** Department of Transportation  
  
Petition for Rehearing granted April 4, 2006.  
Pending transcript.  
**NO ACTION**
- (8) **EDUARDO PEREZ, CASE NO. 05-0763A**  
Appeal from five percent reduction in salary for six months  
**Classification:** Parole Agent I (Adult Parole)  
**Department:** Department of Corrections  
  
Proposed decision rejected November 1, 2005.  
Oral argument originally set February 7, 2006, Los Angeles.  
Oral argument (Written Record) continued to May 2, 2006, Los Angeles.  
**ACTION: SUBMITTED**
- (9) **RAYMOND SLEDGE, CASE NO. 04-2809PA**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of the Youth Authority  
  
Petition for Rehearing granted March 8, 2006.  
Transcript prepared.  
**NO ACTION**
- (10) **JAMES STEED, CASE NO. 05-0207PA**  
Appeal from constructive medical suspension  
**Classification:** Facility Captain  
**Department:** Department of Corrections and Rehabilitation  
  
Petition for Rehearing granted March 8, 2006.  
Transcript prepared.  
**NO ACTION**

**16. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On May 2, 2006, the Board adopted as indicated below the following items presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) ALLEN LAMA, CASE NO. 05-0658**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and negative law enforcement contacts.  
**ACTION: DENIED**
- (2) RENEE LUPO, CASE NO. 05-0700**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and omitted pertinent information.  
**ACTION: DENIED**
- (3) DESIREE SMITH, CASE NO. 05-0281**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability for peace officer position due to conflict of interest concerns.  
**ACTION: GRANTED**
- (4) DUSTIN SUMPTER, CASE NO. 05-1153**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and a negative employment record.  
**ACTION: DENIED**

- (5) **PERCY WASHINGTON, CASE NO. 05-0273**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information during selection process and negative driving record and negative law enforcement contact.  
**ACTION: DENIED**
- (6) **RICHARD WATERS, CASE NO. 04-1585**  
**Classification:** Accounting Administrator II  
**Department:** Public Employees Retirement System  
**Issue:** Whether appellant was properly withheld for not meeting the minimum qualifications.  
**ACTION: DENIED**
- (7) **BLANCA BARAJAS, CASE NO. 05-1617**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and negative employment records.  
**ACTION: DENIED**
- (8) **RAFAEL DANAM, CASE NO. 05-1491**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability, omitted pertinent information and negative law enforcement contacts.  
**ACTION: DENIED**
- (9) **JULIO HAROS, CASE NO. 05-0721**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information and omitted pertinent information.  
**ACTION: DENIED**
- (10) **AARON HUDLER, CASE NO. 05-0035**  
**Classification:** Hospital Police Officer  
**Department:** Department of Mental Health  
**Issue:** Suitability; illegal drug use over the age of 23.  
**ACTION: DENIED**
- (11) **JAMES LONG, CASE NO. 05-0061**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information during selection process and negative employment record.  
**ACTION: DENIED**

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- (12) **PATRICK MCGOWAN, CASE NO. 05-0801**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and a negative employment record.  
**ACTION: DENIED**
- (13) **RAUL MERAZ, CASE NO. 05-1008**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (14) **JOSHUA NORIEGA, CASE NO. 05-0843**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and a negative employment and driving record.  
**ACTION: DENIED**
- (15) **JAMES PARTAIN, CASE NO. 05-0718**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and a negative employment record.  
**ACTION: DENIED**
- (16) **JEFF PORTILLO, CASE NO. 05-0720**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information and negative law enforcement contacts.  
**ACTION: DENIED**
- (17) **ANTONIO RICHARDSON, CASE NO. 05-1159**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability, and furnishing inaccurate information.  
**ACTION: DENIED**
- (18) **WILLIAM SIFUENTES, CASE NO. 05-0593**  
**Classification:** Department of Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment record.  
**ACTION: DENIED**
- (19) **REBECCA STITT, CASE NO. 05-0597**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and a negative employment record.  
**ACTION: WITHDRAWN BY SPB STAFF**

- (20) **SETH STOCKING, CASE NO. 05-1155**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability and a negative employment record.  
**ACTION: DENIED**
- (21) **NICHOLE TUCKER, CASE NO. 05-0594**  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate and omitted pertinent information during the selection process, negative law enforcement contacts, and negative driving record.  
**ACTION: DENIED**
- (22) **RICHARD WILLIAMS, CASE NO. 05-0592**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information during the selection process and negative military record and negative employment record.  
**ACTION: DENIED**
- (23) **EXCIE WILLIAMS, CASE NO. 05-0599**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information during selection process and negative employment record.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

On May 2, 2006, the Board adopted as indicated below the following items presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) **RITA DEERING, CASE NO. 05-1339**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Appellant psychologically disqualified from employment as a Correctional Officer.  
**ACTION: DENIED**



May 2, 2006

- (2) **ANTHONY HARDIN, CASE NO. 05-0781**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Appellant psychologically disqualified from employment as a Correctional Officer.  
**ACTION: DENIED**
- (3) **STEVEN MILLER, CASE NO. 05-0684**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Appellant psychologically disqualified from employment as a Correctional Officer.  
**ACTION: DENIED**
- (4) **NELSON MORGADO, CASE NO. 05-0576**  
**Classification:** CHP Traffic Officer Cadet  
**Department:** Department of California Highway Patrol  
**Issue:** Appellant medically disqualified from employment as a CHP Officer.  
**ACTION: DENIED**

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

Cases were heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

On May 2, 2006, the Board adopted as indicated below the following items presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

**RULE 211 APPEALS**

- (1) **DON SENNER, CASE NO. 05-2963**  
**Classification:** Correctional Sergeant  
**Department:** State Personnel Board  
**Issue:** Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.  
**ACTION: DENIED**

May 2, 2006

- (2) **CAROL SMITH, CASE NO. 05-2839**  
**Classification:** Office Technician (Typing)  
**Department:** State Personnel Board  
**Issue:** Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.  
**ACTION: DENIED**

**RULE 212 OUT OF CLASS APPEALS**

- (3) **HECTOR MARTINEZ, CASE NO. 04-2705**  
**Classification:** Associate Information Systems Analyst (Specialist)  
**Department:** General Services  
**Issue:** Pursuant to Rule 212, the appellant is requesting approval for an out-of-class exemption for his experience to be applied to his MQ's required for the DGS AISA examination.  
**ACTION: DENIED**

**VOIDED APPOINTMENT APPEALS**

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On May 2, 2006, the Board adopted as indicated below the following items presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey – Aye

- (1) **FRANKIE GEORGE, CASE NO. 05-0400**  
**Classification:** N/A – Member of the Public  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** The charging party request charges are filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**
- (2) **MONICA GLENN, CASE NO. 05-0398**  
**Classification:** Correctional Officer  
**Department:** Department Corrections and Rehabilitation  
**Issue:** The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code section 19572.  
**ACTION: DENIED**

- (3) **PATRICIA BRAND, CASE NO. 05-0644**  
**Classification:** Member of the public  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code, section 19572.  
**ACTION: DENIED**
- (4) **BRANDON HOUGHTON, CASE NO. 05-0799**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against employees of the Atascadero State Hospital.  
**ACTION: DENIED**
- (5) **BRANDON HOUGHTON, CASE NO. 05-1001**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against an employee of the Atascadero State Hospital.  
**ACTION: DENIED**
- (6) **BLAIR ROMER, CASE NO. 05-0269**  
**Classification:** An employee of DMH Vacaville Psychiatric Program  
**Department:** Department of Mental Health  
**Issue:** The charging party requests charges be filed against the charged party for violations of subsections of Government Code section 19572.  
**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

**NONE**

May 2, 2006

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures.

(Hearing held July 7, 2004.)

**NO ACTION**

**7. ERNEST PITTMAN, CASE NO. 05-1591A**

Appeal from dismissal. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument held March 8, 2006.)

**NO ACTION**

**8. RICHARD QUADRELLI, CASE NO. 05-1039A**

Appeal from dismissal. Caltrans Maintenance Supervisor. Department of Transportation. (Oral argument held March 8, 2006.)

**NO ACTION**

**9. RICK OCHOA, CASE NO. 04-2373B**

Appeal for determination of back salary, benefits and interest. Youth Correctional Officer. Department of the Youth Authority. (Oral argument held April 4, 2006.)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

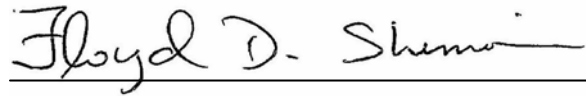
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on May 2, 2006.

VOTE: Harrigan, Sheehan, Clarey – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board